

WASHINGTON, DC – Yesterday, Congressman Robert C. "Bobby" Scott (D-VA-3), along with original cosponsors Congressmen Ron Paul (R-TX-14), John Conyers, Jr. (D-MI-14), Roscoe G. Bartlett (R-MD-6), Alcee L. Hastings (D-FL-23), and Keith Ellison (D-MN-5), introduced the Fair Sentencing Clarification Act of 2011. The purpose of this legislation is to clarify that the amendments made by the Fair Sentencing Act are to be applied to pending cases and retroactively to cases that are no longer pending. The Fair Sentencing Clarification Act was also introduced in the 111th Congress.

Last year, Congress passed, and the President signed, the Fair Sentencing Act (FSA), which reduced the 100-to-1 sentencing disparity between crack and powder cocaine in federal law to 18-to-1. Before the FSA, it took only 5 grams of crack cocaine to trigger a 5-year mandatory minimum sentence, but for powder cocaine it took 500 grams to trigger the same 5-year mandatory minimum sentence. The FSA moved the threshold amount of crack for a 5-year mandatory minimum sentence from 5 grams to 28 grams and makes a similar reduction to an 18-to-1 ratio for the ten-year mandatory minimum.

The Fair Sentencing Clarification Act would allow all offenders, regardless of when they were arrested or convicted, to receive the benefit of the changes that Congress made in the FSA.

"There is absolutely no reason that individuals sentenced under the old crack cocaine laws should not receive the benefit of the FSA," stated Representative Scott. "Congress has acknowledged that the 100-to-1 disparity was fundamentally unfair and had a racially disparate impact. People sentenced under the old law should not be required to serve out sentences imposed as a result of what Congress has now recognized to be an unjust law."

Rep. Scott is the Ranking Member of the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security and also sits on the House Education and Workforce Committee.

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